

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

CYNTHIA CARSEN,

Plaintiff,

vs.

COLUMBIA DEBT RECOVERY,
LLC, *d/b/a* Genesis,

Defendant.

CV 20-127-BLG-SPW-TJC

**ORDER GRANTING
MOTION TO PROCEED IN
FORMA PAUPERIS**

Plaintiff Cynthia Carsen (“Plaintiff”) has filed an amended motion to proceed *In Forma Pauperis*. (Doc. 4.) Plaintiff’s application once again appears to erroneously list a monthly income of \$8,796. The Court takes this as a simple error as the income expected for the “next month” is \$733, which is the divisible product of \$8,796 per annum. Thus, Plaintiff makes the showing required by 28 U.S.C. § 1915(a). Because it appears that Plaintiff lacks sufficient funds to prosecute this action, the Court will grant her motion.

Plaintiff is advised that, pursuant to the federal statute governing proceedings in forma pauperis, federal courts must engage in a preliminary screening of cases to assess the merits of the claims. 28 U.S.C. § 1915(e)(2). Here, the Court has considered whether Plaintiff’s Complaint is frivolous, malicious, fails to state a claim, or seeks solely monetary relief from a defendant who is immune. *Id.* Construing Plaintiff’s Complaint, the Court cannot say at this

stage in the proceedings that it meets any of these criteria. Accordingly, the Court will order that Defendant be served.

Based on the foregoing, **IT IS ORDERED** that:

(1) Plaintiff's motion to proceed in forma pauperis is **GRANTED**. The Clerk's office shall immediately file Plaintiff's "Lodged" Complaint.

(2) Pursuant to Fed. R. Civ. P. 4(d), the Court will ask Defendant to waive service of summons by executing, or having counsel execute, the attached Waiver of Service of Summons. The Waiver must be returned to the Court within **thirty (30) days of the entry date reflected on the Notice of Electronic Filing of this Order**. If Defendant chooses to return the Waiver, an answer or appropriate motion will be due within 60 days of the entry date reflected on the Notice of Electronic Filing, pursuant to Fed. R. Civ. P. 12(a).

(3) The Clerk of Court shall forward to the following the documents listed below:

Columbia Debt Recovery, LLC
d/b/a Genesis
906 SE Everett Mall Way, Ste. 301
Everett, Wash. 98208

- this Order;
- a Notice of Lawsuit & Request to Waive Service of Summons;
- a Waiver of Service of Summons; and
- the Complaint.

(4) Any party's request that the Court grant relief, make a ruling, or take an action of any kind must be made in the form of a motion. If a party wishes to give the Court information, such information must be presented in the form of a notice. The Court will not consider requests made or information presented in letter form.

(5) Pursuant to Fed. R. Civ. P. 5(a), all documents presented for the Court's consideration must be served by first-class mail upon counsel or, if a party is proceeding *pro se*, upon the party. The Certificate of Service must state the date on which the document was deposited in the mail and the name of the person to whom the document was sent. The sender must sign the certificate of service.

IT IS ORDERED.

DATED this 25th day of August, 2020.



TIMOTHY J. CAVAN
United States Magistrate Judge